

### REMARKS

This is intended as a full and complete response to the Office Action in the above-identified application dated April 7, 2004. Reexamination and reconsideration of the application are respectfully requested.

Claims 1, 7 and 20-35 are pending in the application. Claims 1-22, 25-27, 30, 32 and 34-35 are cancelled.

The Examiner objected to claims 7, 21-24 and 26-35 as being dependent upon a rejected base claim, but indicated that such claims would be allowable if rewritten in independent form. Accordingly, claims 23-24, 28-29, 31 and 33 have been rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Allowable claims 7, 21-22, 26-27, 30, 32 and 34-35 have been cancelled but will be presented in a continuation or otherwise preserved for issuance.

The Examiner rejected claims 1, 20 and 25 under 35 U.S.C. § 135(b) on the grounds that the species ciglitazone and englitazone were not in the application claims within one year of February 20, 2001, the issue date of U.S. Patent No. 6,191,154. Although Applicants believe that the rejection is improper, Applicants have elected to cancel such claims solely for the purpose of expediting prosecution and the declaration of the interference.

Record is made of an interview between the Examiner and the undersigned counsel for Applicants on May 18, 2004. The Examiner is thanked for her assistance and the courtesies extended to Applicants' counsel.

During the course of the interview, the undersigned counsel for Applicants and the Examiner discussed the pending claims and a draft Amendment and supplemental Rule 607 request. While not agreeing with the outstanding rejection, Applicants' counsel indicated that the allowable rosiglitazone claims would simply be rewritten in independent form in order to expedite

allowance and declaration of the interference. The Examiner and Applicants' counsel also discussed the proposed count (Applicants' claim 23) and the claims corresponding to the count. The Examiner indicated that the proposed Amendment and supplemental interference request appeared to be acceptable and that, once filed, Applicants could expect to receive a notice of suspension pending declaration of the interference.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and timely allowance of the pending claims.

A Supplemental Request for Interference Under 37 C.F.R. § 1.607 is filed herewith. This request supplements the prior request for interference dated March 29, 2001. Prompt declaration of the interference is respectfully requested.

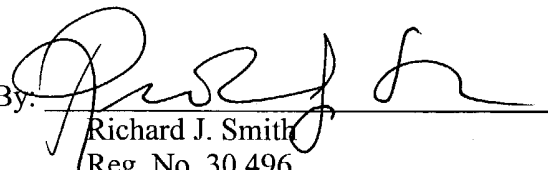
A Sixth Supplemental Information Disclosure Statement is also filed herewith. Please charge the fee of \$180.00 as specified under § 1.17(p) to Deposit Account No. 06-0916.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

Dated: June 9, 2004

FINNEGAN, HENDERSON, FARABOW,  
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Date June 9, 2004

Signed: 

Linda Phillips